



FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

1 Amend C.S. 5.B. No. 7 (house committee printing) as  
2 follows:

3 (1) On page 1, line 24, strike "and".

4 (2) On page 2, line 5, strike the period and substitute "and  
5 ensure that all legally cast ballots are counted. Integral to the  
6 right to vote is the assurance of voter access and the right for  
7 all votes legally cast to be counted;".

8 (3) On page 2, between lines 5 and 6, insert the following:

9 (6) additionally, preventing a valid vote from being  
10 counted violates the basic constitutional rights guaranteed to  
11 each citizen by the United States Constitution and the law of the  
12 land; and

13 (7) providing for voter access and increasing the  
14 stability of a constitutional democracy ensures public confidence  
15 in the legitimacy of public officers chosen by election.

16 (4) On page 2, line 11, between "elections" and the underlined  
17 period, insert ", promote voter access, and ensure that all  
18 lawfully cast votes are counted".

19 (5) On page 2, strike lines 17 through 23 and renumber  
20 subsequent SECTIONS of ARTICLE 1 accordingly.

21 (6) Add the following appropriately numbered SECTION to  
22 ARTICLE 1 of the bill:

23 SECTION \_\_\_\_\_. Section 1.018, Election Code, is amended to read  
24 as follows:

25 Sec. 1.018. APPLICABILITY OF PENAL CODE.. In addition to  
26 Section 1.03, Penal Code, and to other titles of the Penal Code

1 that may apply to this code, Titles 2 and [Title] 4, Penal Code,  
2 apply [~~applies~~] to offenses prescribed by this code.

3 (7) Strike page 3, line 27 through page 4, line 4 and  
4 substitute the following:

5 (g) A presiding judge may not have a watcher duly accepted  
6 for service under Subchapter A, Chapter 33, removed from the  
7 polling place for violating a provision of this code, the Penal  
8 Code, or any other provision of law relating to the conduct of  
9 elections, unless the violation was observed by an election judge  
10 or clerk after the watcher was previously warned that the watcher's  
11 conduct violated the law.

12 (8) On page 4, line 10, between the underlined period and  
13 "To", insert "It is the intent of the legislature that watchers  
14 duly accepted for service under this chapter be allowed to observe  
15 and report on irregularities in the conduct of any election, but  
16 may not interfere in the orderly conduct of an election.".

17 (9) On page 4, line 11, between "observe" and "the" insert  
18 "without obstructing".

19 (10) On page 4, line 23, strike "Subsection (e)" and  
20 substitute "Subsections (e) and (f)".

21 (11) On page 4, line 26, between "procedure" and the  
22 underlined period, insert "in accordance with Section 33.057"

23 (12) On page 4, between lines 26 and 27, insert the following:

24 (f) A watcher who believes that the watcher was unlawfully  
25 obstructed from the performance of the watcher's duties may seek  
26 injunctive relief under Section 273.081, a writ of mandamus under  
27 Section 161.009 or 273.061, and any other remedy available under  
28 law.

29 (13) On page 5, strike line 2 through 6, and substitute the  
30 following:

31 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.  
32 Notwithstanding any other provision of this code, a watcher duly

1 accepted for service at a polling location is entitled to follow  
2 the transfer of election materials from the polling place at which  
3 the watcher was accepted to a regional tabulating center, the  
4 central counting station, or any other location designated to  
5 process election materials. The authority responsible for  
6 administering a regional tabulating center or another location  
7 where election materials are processed must accept duly appointed  
8 watchers for service in the same manner a watcher is accepted for  
9 service under Section 33.051 and must accept the same number of  
10 watchers that may serve under Section 33.007(a).

11 (14) On page 5, strike lines 16 through 22 and renumber  
12 subsequent SECTIONS of ARTICLE 3 accordingly.

13 (15) On page 6, line 16, strike "a state" and substitute "an".

14 (16) On page 6, line 16, between "inspector" and ";", insert  
15 "designated by law".

16 (17) On page 7, line 15, strike "A poll watcher is entitled  
17 to observe" and substitute "If a poll watcher duly accepted for  
18 service is available at the time of".

19 (18) On page 7, line 16, between "subsection" and the  
20 underlined period, insert ", the watcher is entitled to observe  
21 the delivery".

22 (19) On page 8, line 9, strike "or".

23 (20) On page 8, between lines 9 and 10, insert the following:

24 (5) the county chair of a political party conducting a primary  
25 election or runoff primary election; or

26 (21) On page 8, line 10, strike "(5)" and substitute "(6)".

27 (22) On page 10, lines 12-13, strike "Section 86.010, Election  
28 Code, is amended by amending Subsections (e), (h), and (i) and  
29 adding Subsection (i-1)" and substitute "Sections 86.010(e), (h),  
30 and (i) are amended".

31 (23) Strike page 11, lines 20-24.

1 (24) On page 12, strike lines 17 through 21 and substitute  
2 the following:

3 (e) For purposes of this section, compensation means an  
4 economic benefit as defined by Section 38.01, Penal Code [~~any form~~  
5 ~~of monetary payment, goods, services, benefits, or promises or~~  
6 ~~offers of employment, or any other form of consideration offered~~  
7 ~~to another person in exchange for assisting voters~~].

8 (25) On page 14, strike lines 22 and 23 and substitute the  
9 following:

10 (3) count votes that are invalid or should otherwise not  
11 be counted under law, fail to count votes that were lawfully cast,  
12 or alter a report to include invalid votes;

13 (26) On page 14, line 25, strike "or".

14 (27) On page 15, line 3, strike the period and substitute  
15 "i".

16 (28) On page 15, between lines 3 and 4, insert the following:

17 (6) prevent a voter from casting a legal ballot in an  
18 election in which the voter is eligible to vote; or

19 (7) provide false information to a voter with the intent  
20 of preventing the voter from voting in an election in which the  
21 voter is eligible to vote.

22 (29) On page 16, lines 17 and 18, strike "felony of the third  
23 degree" and substitute "state jail felony".

24 (30) On page 16, line 23, strike "A public official" and  
25 substitute "An early voting clerk".

26 (31) On page 16, line 24, strike "official" and substitute  
27 "clerk".

28 (32) On page 17, line 11, strike "public official" and  
29 substitute "early voting clerk".

30 (33) On page 17, line 15, strike "public official" and  
31 substitute "early voting clerk".

1 (34) On page 17, line 25, strike "state jail felony" and  
2 substitute "Class A misdemeanor".

3 (35) On page 18, strike lines 13-15 and substitute the  
4 following:

5 PROCEEDINGS; CRIMINAL OFFENSE. (a) In this section, "public  
6 official" means any person elected, selected, appointed, employed,  
7 or otherwise designated as an officer, employee, or agent of this  
8 state, a government agency, a political subdivision, or any other  
9 public body established by state law.

10 (36) On page 18, line 26, strike "state jail felony" and  
11 substitute "Class A misdemeanor".

12 (37) On page 19, lines 5 through 7, strike "based on alleged  
13 conduct constituting an offense under Chapter 276, Election  
14 Code,".

15 (38) On page 19, line 7, strike "60th" and substitute "70th".

16 (39) On page 19, line 13, strike "24" and substitute "48".

17 (40) On page 21, lines 11 through 13, strike "based on alleged  
18 conduct constituting an offense under Chapter 276, Election  
19 Code,".

20 (41) On page 21, line 13, strike "60th" and substitute "70th".

21 (42) On page 21, line 18, strike "24" and substitute "48".

22 (43) Strike page 21, line 24 through page 22, line 16, and  
23 substitute the following:

24 Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS. (a)  
25 Notwithstanding any other law or rule, the clerk of a district  
26 court in which a proceeding entitled to priority under Section  
27 23.101(b-1) is filed shall docket the proceeding and, if more than  
28 one district court in the county has jurisdiction over the  
29 proceeding, randomly assign the proceeding to a district court  
30 using an automated assignment system.

31 (b) Notwithstanding any other law or rule, the clerk of a  
32 county court or statutory county court in which a proceeding

1 entitled to priority under Section 23.101(b-1) is filed shall  
2 docket the proceeding and, if more than one court in the county  
3 has jurisdiction over the proceeding, randomly assign the  
4 proceeding to a court using an automated assignment system.

5 (c) If a district or county clerk does not comply with this  
6 section, a person may seek from the supreme court or a court of  
7 appeals a writ of mandamus as provided by Section 273.061 to compel  
8 compliance with this section.

9 (44) Renumber SECTIONS of the bill accordingly.